

1-1 By: Turner, Howard, Giddings H.B. No. 2321
 1-2 (Senate Sponsor - Watson)
 1-3 (In the Senate - Received from the House May 1, 2017;
 1-4 May 12, 2017, read first time and referred to Committee on Natural
 1-5 Resources & Economic Development; May 18, 2017, reported favorably
 1-6 by the following vote: Yeas 7, Nays 4; May 18, 2017, sent to
 1-7 printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14		X		
1-15	X			
1-16		X		
1-17	X			
1-18	X			
1-19	X			
1-20		X		

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to low-income vehicle repair assistance, retrofit, and
 1-24 accelerated vehicle retirement programs and local initiative
 1-25 projects.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 382.201, Health and Safety Code, is
 1-28 amended by adding Subdivision (4-a) to read as follows:

1-29 (4-a) "Purchase" means a transaction in which a person
 1-30 buys a vehicle.

1-31 SECTION 2. Section 382.202(g), Health and Safety Code, is
 1-32 amended to read as follows:

1-33 (g) The commission shall:

1-34 (1) use part of the fee collected under Subsection (e)
 1-35 to fund county ~~[low-income vehicle repair assistance, retrofit, and~~
 1-36 ~~accelerated vehicle retirement]~~ programs and projects as provided
 1-37 by Section 382.220 ~~[created under Section 382.209]~~; and

1-38 (2) to the extent practicable, distribute available
 1-39 funding created under Subsection (e) to participating counties in
 1-40 reasonable proportion to the amount of fees collected under
 1-41 Subsection (e) in those counties or in the regions in which those
 1-42 counties are located.

1-43 SECTION 3. Sections 382.209(b) and (e), Health and Safety
 1-44 Code, are amended to read as follows:

1-45 (b) The commission shall provide funding for local
 1-46 low-income vehicle repair assistance, retrofit, and accelerated
 1-47 vehicle retirement programs as provided by Section 382.220 ~~[with~~
 1-48 ~~available funds collected under Section 382.202, 382.302, or other~~
 1-49 ~~designated and available funds]~~. The programs shall be
 1-50 administered in accordance with Chapter 783, Government Code.
 1-51 Program costs may include call center management, application
 1-52 oversight, invoice analysis, education, outreach, and advertising.
 1-53 Not more than 10 percent of the money provided to a local low-income
 1-54 vehicle repair assistance, retrofit, and accelerated vehicle
 1-55 retirement program ~~[under this section]~~ may be used for the
 1-56 administration of the program ~~[programs]~~, including program costs.

1-57 (e) A vehicle is not eligible to participate in a low-income
 1-58 vehicle repair assistance, retrofit, and accelerated vehicle
 1-59 retirement program established under this section unless:

1-60 (1) the vehicle is capable of being operated;

1-61 (2) the ~~[registration of the]~~ vehicle:

2-1 (A) is registered in a county implementing the
2-2 program [is current]; or [and]

2-3 (B) [reflects that the vehicle] has been
2-4 registered in a [the] county implementing the program for at least
2-5 12 of the 15 months preceding the application for participation in
2-6 the program;

2-7 (3) the commissioners court of the county
2-8 administering the program determines that the vehicle meets the
2-9 eligibility criteria adopted by the commission, the Texas
2-10 Department of Motor Vehicles, and the Public Safety Commission;

2-11 (4) if the vehicle is to be repaired, the repair is
2-12 done by a repair facility recognized by the Department of Public
2-13 Safety, which may be an independent or private entity licensed by
2-14 the state; and

2-15 (5) if the vehicle is to be retired under this
2-16 subsection and Section 382.213, the replacement vehicle is a
2-17 qualifying motor vehicle.

2-18 SECTION 4. Sections 382.210(a), (b), and (f), Health and
2-19 Safety Code, are amended to read as follows:

2-20 (a) The commission by rule shall adopt guidelines to assist
2-21 a participating county in implementing a low-income vehicle repair
2-22 assistance, retrofit, and accelerated vehicle retirement program
2-23 authorized under Section 382.209. The guidelines at a minimum
2-24 shall recommend:

2-25 (1) a [minimum and] maximum amount for repair
2-26 assistance of at least \$800;

2-27 (2) an [a minimum and maximum] amount to be put toward
2-28 the purchase price of a replacement vehicle qualified for the
2-29 accelerated retirement program, based on vehicle type and model
2-30 year, of at least [with the maximum amount not to exceed]:

2-31 (A) \$4,000 [\$3,000] for a replacement car of the
2-32 current model year or the previous four [three] model years, except
2-33 as provided by Paragraph (C);

2-34 (B) \$4,000 [\$3,000] for a replacement truck of
2-35 the current model year or the previous three [two] model years,
2-36 except as provided by Paragraph (C); and

2-37 (C) \$4,500 [\$3,500] for a replacement vehicle of
2-38 the current model year or the previous four [three] model years
2-39 that:

2-40 (i) is a hybrid vehicle, electric vehicle,
2-41 or natural gas vehicle; or

2-42 (ii) has been certified to meet federal
2-43 Tier 2, Bin 3 or a cleaner Bin certification under 40 C.F.R. Section
2-44 86.1811-04, as published in the February 10, 2000, Federal
2-45 Register, or to meet federal Tier 3, Bin 85 or a cleaner Bin
2-46 certification under 40 C.F.R. Section 86.1811-17;

2-47 (3) criteria for determining eligibility, taking into
2-48 account:

2-49 (A) the vehicle owner's income, which may not
2-50 exceed 300 percent of the federal poverty level;

2-51 (B) the fair market value of the vehicle; and

2-52 (C) any other relevant considerations;

2-53 (4) safeguards for preventing fraud in the repair,
2-54 purchase, or sale of a vehicle in the program; and

2-55 (5) procedures for determining the degree and amount
2-56 of repair assistance a vehicle is allowed, based on:

2-57 (A) the amount of money the vehicle owner has
2-58 spent on repairs;

2-59 (B) the vehicle owner's income; and

2-60 (C) any other relevant factors.

2-61 (b) A replacement vehicle described by Subsection (a)(2)
2-62 must:

2-63 (1) except as provided by Subsection (c), be a vehicle
2-64 in a class or category of vehicles that has been certified to meet
2-65 federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R.
2-66 Section 86.1811-04, as published in the February 10, 2000, Federal
2-67 Register, or to meet federal Tier 3, Bin 160 or a cleaner Bin
2-68 certification under 40 C.F.R. Section 86.1811-17;

2-69 (2) have a gross vehicle weight rating of less than

3-1 10,000 pounds;
3-2 (3) have an odometer reading of not more than 85,000
3-3 ~~[70,000]~~ miles; and
3-4 (4) be a vehicle the total purchase price ~~[cost]~~ of
3-5 which does not exceed:
3-6 (A) for a vehicle described by Subsection
3-7 (a)(2)(A) or (B), \$35,000; or
3-8 (B) for a vehicle described by Subsection
3-9 (a)(2)(C), \$45,000.

3-10 (f) For the purposes of Subsection (b), a reference to the
3-11 total purchase price of a motor vehicle ~~[In this section, "total~~
3-12 ~~cost"]~~ means the total amount of money paid or to be paid for the
3-13 purchase of a motor vehicle as set forth as "sales price" in the
3-14 form entitled "Application for Texas Certificate of Title"
3-15 promulgated by the Texas Department of Motor Vehicles. In a
3-16 transaction that does not involve the use of that form, the term
3-17 means an amount of money that is equivalent, or substantially
3-18 equivalent, to the amount that would appear as "sales price" on the
3-19 Application for Texas Certificate of Title if that form were
3-20 involved.

3-21 SECTION 5. Section 382.220, Health and Safety Code, is
3-22 amended to read as follows:

3-23 Sec. 382.220. COUNTY USE OF MONEY FROM VEHICLE EMISSIONS
3-24 INSPECTION FEES; ~~[FUNDING FOR]~~ LOCAL INITIATIVE PROJECTS. (a) The
3-25 commission:
3-26 (1) shall provide funding to participating counties
3-27 for local low-income vehicle repair assistance, retrofit, and
3-28 accelerated vehicle retirement programs under Section 382.209
3-29 using:
3-30 (A) available funds derived from fees collected
3-31 through vehicle emissions inspection and maintenance programs
3-32 under Sections 382.202 and 382.302; and
3-33 (B) other designated and available funds; and
3-34 (2) may provide funding to participating counties for
3-35 local initiative projects under Subsection (b) using available
3-36 funds derived from fees collected through vehicle emissions
3-37 inspection and maintenance programs under Sections 382.202 and
3-38 382.302.

3-39 (a-1) A participating county that implements a local
3-40 initiative project under Subsection (b) must use at least 50
3-41 percent of the money made available to the county under Section
3-42 382.202(g) or 382.302 for the county's low-income vehicle repair
3-43 assistance, retrofit, and accelerated vehicle retirement program.

3-44 (a-2) Money that is made available to participating
3-45 counties under Section 382.202(g) or 382.302 may be appropriated
3-46 only for programs administered in accordance with Chapter 783,
3-47 Government Code, to improve air quality.

3-48 (a-3) A participating county may agree to contract with any
3-49 appropriate entity, including a metropolitan planning organization
3-50 or a council of governments, to implement a program under Section
3-51 382.202 or ~~[7]~~ 382.209 ~~[7]~~ or a project under Subsection (b) ~~[this~~
3-52 section].

3-53 (b) A participating county may implement a local initiative
3-54 project, which ~~[program under this section]~~ must be implemented in
3-55 consultation with the commission and may include a program to:
3-56 (1) expand and enhance the AirCheck Texas Repair and
3-57 Replacement Assistance Program;
3-58 (2) develop and implement programs or systems that
3-59 remotely determine vehicle emissions and notify the vehicle's
3-60 operator;
3-61 (3) develop and implement projects to implement the
3-62 commission's smoking vehicle program;
3-63 (4) develop and implement projects in consultation
3-64 with the director of the Department of Public Safety for
3-65 coordinating with local law enforcement officials to reduce the use
3-66 of counterfeit registration insignia and vehicle inspection
3-67 reports by providing local law enforcement officials with funds to
3-68 identify vehicles with counterfeit registration insignia and
3-69 vehicle inspection reports and to carry out appropriate actions;

4-1 (5) develop and implement programs to enhance
4-2 transportation system improvements; ~~[or]~~

4-3 (6) develop and implement new air control strategies
4-4 designed to assist local areas in complying with state and federal
4-5 air quality rules and regulations; or

4-6 (7) improve air quality through the replacement and
4-7 retirement of fleet vehicles as authorized by Subsection (d).

4-8 (c) Except as provided by Subsection (d), money ~~[Money]~~ that
4-9 is made available for the implementation of a program under
4-10 Subsection (b) may not be expended for local government fleet or
4-11 vehicle acquisition or replacement, call center management,
4-12 application oversight, invoice analysis, education, outreach, or
4-13 advertising purposes.

4-14 (d) A participating county may use money that has been
4-15 allocated by the commission to the county for a program under
4-16 Subsection (b) and that has not been spent by the last day of the
4-17 fiscal year in which the money was allocated for the replacement and
4-18 retirement of local government fleet vehicles. Money available for
4-19 use under this subsection must be spent not later than the second
4-20 anniversary of the last day of the fiscal year in which the
4-21 commission allocated the funds ~~[Fees collected under Sections~~
4-22 ~~382.202 and 382.302 may be used in an amount not to exceed \$7~~
4-23 ~~million per fiscal year for projects described by Subsection (b),~~
4-24 ~~of which \$2 million may be used only for projects described by~~
4-25 ~~Subsection (b)(4). The remaining \$5 million may be used for any~~
4-26 ~~project described by Subsection (b). The fees shall be made~~
4-27 ~~available only to counties participating in the low-income vehicle~~
4-28 ~~repair assistance, retrofit, and accelerated vehicle retirement~~
4-29 ~~programs created under Section 382.209 and only on a matching~~
4-30 ~~basis, whereby the commission provides money to a county in the same~~
4-31 ~~amount that the county dedicates to a project authorized by~~
4-32 ~~Subsection (b). The commission may reduce the match requirement~~
4-33 ~~for a county that proposes to develop and implement independent~~
4-34 ~~test facility fraud detection programs, including the use of remote~~
4-35 ~~sensing technology for coordinating with law enforcement officials~~
4-36 ~~to detect, prevent, and prosecute the use of counterfeit~~
4-37 ~~registration insignia and vehicle inspection reports].~~

4-38 SECTION 6. Section 382.302(e), Health and Safety Code, is
4-39 amended to read as follows:

4-40 (e) A participating county may participate in the program
4-41 established under Section 382.209 and may implement a local
4-42 initiative project under Section 382.220.

4-43 SECTION 7. This Act takes effect September 1, 2017.

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